

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

OSCAR M. CONSTANCIO,

Petitioner,

v.

RON BROOMFIELD,

Respondent.

No. 2:22-CV-1277-KJM-DMC-P

ORDER

Petitioner, a prisoner proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254.

On December 5, 2022, the Court issued findings and recommendations that this case be dismissed for lack of prosecution and failure to comply with court rules and orders. See ECF No. 12. The findings and recommendations were issued after Petitioner failed to file an amended petition naming the correct respondent within the time permitted therefor. A review of the docket reflects that Petitioner has now filed an amended petition which names the correct respondent. See ECF No. 13.

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1 Accordingly, the findings and recommendations issued on December 5, 2022, are
2 vacated. The sufficiency of Petitioner's amended petition will be addressed separately. The Clerk
3 of the Court is directed to update the docket to reflect that the named respondent is Ron
4 Broomfield.

5 IT IS SO ORDERED.

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7 Dated: April 3, 2023

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE